

STATEMENT OF CONSTANCE BERRY NEWMAN  
BEFORE THE COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE  
OCTOBER 13, 1991

MR. CHAIRMAN, SENATOR THURMOND AND MEMBERS OF THE COMMITTEE: I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU IN SUPPORT OF THE CONFIRMATION OF JUDGE CLARENCE THOMAS AS AN ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT.

I AM BOTH SADDENED AND OPTIMISTIC AS A RESULT OF THESE PROCEEDINGS. I AM SADDENED BECAUSE OF THE WAY IN WHICH THE RAW NERVES OF AMERICA HAVE BEEN TOUCHED. THE RAW NERVES OF WHICH I SPEAK ARE SEXISM, AND RACISM, ~~DISCRIMINATION AGAINST OUR~~ LEADING TO MISTRUST BETWEEN TOO MANY OF US. MR. CHAIRMAN, MANY OF THESE THE FEELINGS MOVE JUST BELOW THE SURFACE OF THIS GREAT NATION. WE ARE ALL VICTIMS . . . WE ARE ALL HURT IN SOME WAY BY THE SIDE OF AMERICA THAT ALLOWS BIGOTRY AND UNFAIRNESS TO EXIST. WE MUST COME TO TERMS WITH WHAT IS UNFAIR IN THIS BASICALLY FAIR NATION OR WE WILL BE DESTROYED.

I AM SADDENED FOR MY FRIEND, JUDGE CLARENCE THOMAS AND HIS FAMILY. ALL WHO ARE IN PUBLIC LIFE MUST SYMPATHIZE WITH THEIR PLIGHT. ALL WHO CHOOSE PUBLIC SERVICE AS A PROFESSION UNDERSTAND THAT THE PUBLIC HAS A RIGHT TO KNOW WHETHER WE ARE COMPETENT. THE PUBLIC HAS A RIGHT TO DEMAND THAT WE HAVE INTEGRITY AND THAT WE DO NOTHING TO BRING SHAME TO THE OFFICES IN WHICH WE SERVE. THE PUBLIC HAS A RIGHT TO DEMAND THAT WE BE FAIR TO ALL . . . THAT WE NOT ENGAGE

IN BEHAVIOR SUCH AS SEXUAL HARASSMENT OR DISCRIMINATION OF ANY KIND. IN FACT, THE PUBLIC HAS A RIGHT TO EXPECT THAT PUBLIC SERVANTS WILL USE ALL OF THEIR RESOURCES TO INSURE THAT THE DIVERSITY OF THE NATION IS REPRESENTED AT ALL LEVELS IN THE PUBLIC SERVICE AND THAT THE POLICIES OF THE NATION WILL RESULT ON ALL SHARING IN THE NATION'S GREATNESS. THOSE WHO CHOOSE PUBLIC SERVICE EXPECT THAT A CERTAIN AMOUNT OF OUR PRIVACY MUST BE RELINQUISHED WHEN WE TAKE THE OATH OF OFFICE. BUT THE PUBLIC DOES NOT HAVE THE RIGHT TO EXPECT THAT WE ARE STRIPPED OF ALL OF OUR RIGHT TO PRIVACY. THE PUBLIC DOES NOT HAVE THE RIGHT TO EXPECT THAT PUBLIC SERVANTS RELINQUISH THE GUARANTIES THAT UNDERLIE THE RIGHT TO PRIVACY SUCH AS THOSE RELATING TO FREEDOM OF SPEECH AND RELIGION AND PROTECTION AGAINST SELF-INCRIMINATION. THE DAY THAT IS EXPECTED OF PUBLIC SERVANTS IS THE DAY THAT THE NATION WILL NOT BE ABLE TO ATTRACT THE BEST TO PUBLIC SERVICE.

I AM SADDENED FOR PROFESSOR ANITA HILL. HER LIFE WILL NEVER BE THE SAME. I DO NOT KNOW HER BUT I MUST BELIEVE THAT SHE MUST BE A TALENTED AND CONSCIENTIOUS WOMAN OR SHE WOULD NOT HAVE COMPLETED THE TOUGH EDUCATIONAL REQUIREMENTS OF A YALE LAW SCHOOL OR BE A TENURED PROFESSOR OF A MAJOR LAW SCHOOL. SHE MUST BE A CONCERNED BLACK WOMAN OR SHE WOULD NOT HAVE CHOSEN TO WORK IN CIVIL RIGHTS AT THE DEPARTMENT OF EDUCATION AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. WHAT THEN WAS HER MOTIVATION. FRANKLY, I DO NOT KNOW AND WILL NOT EVEN TRY TO SPECULATE. I DO BELIEVE THAT PROFESSOR HILL WAS CAUGHT IN A WHIRLWIND NOT OF HER MAKING AND WAS SWEEPED ONTO

THE PUBLIC STAGE WHERE THE THIRTY AND SIXTY SECOND SOUND BITES CONTROL. SHE WAS THEN IN POSITION WHERE SHE HAD TO MOVE FORWARD . . . SHE COULD NOT TURN BACK THE CLOCK. HOW THE POWER TO TURN BACK THE CLOCK WOULD BE HELPFUL TO US ALL ON OCCASION.

I AM SADDENED BECAUSE I BELIEVE THAT THE WATERS ARE MUDDIER AROUND THE IMMORAL AND ILLEGAL PRACTICE OF SEXUAL HARASSMENT. EVEN IN THIS DAY OF ENLIGHTENMENT IN EMPLOYMENT PRACTICES, WOMEN IN THE WORKPLACE CONTINUE TO SUFFER FROM PRACTICES OF INTIMIDATION. EVEN TODAY, THERE ARE MALE MANAGERS AND EXECUTIVES IN THE WORKPLACE WHO BELIEVE THAT THEIR ONLY RESPONSIBILITY IS TO REFRAIN FROM SEXUAL HARASSMENT THEMSELVES. THEY DO NOT ACCEPT THE RESPONSIBILITY FOR INSURING THAT ALL IN THEIR ORGANIZATIONS UNDERSTAND THAT SEXUAL HARASSMENT WILL NOT BE TOLERATED. I AM SADDENED BECAUSE LITTLE OF THE DISCUSSION OF SEXUAL HARASSMENT THAT I HAVE HEARD SO FAR CONSIDERS THE RIGHTS OF THE ACCUSED. I KNOW THAT IS NOT THE INTENT OF THE WOMEN'S MOVEMENT . . . OF WHICH I HAVE BEEN A PART. THE WOMEN'S MOVEMENT IS SEEKING EQUALITY AND FAIRNESS, BUT NOT BY THE IMPOSITION OF AN UNFAIRNESS AGAINST THE ACCUSED.

MR. CHAIRMAN, I AM ALSO OPTIMISTIC AS A RESULT OF THE PROCEEDINGS. I BELIEVE THAT AS A RESULT OF THE HEARINGS, JUDGE THOMAS WILL BE CONFIRMED BECAUSE OTHERS WILL KNOW WHAT I KNOW - HE HAS THE COMPETENCE, THE INTEGRITY, THE "TRUE GRIT," AND THE SENSE OF FAIRNESS THAT SHOULD BE PRESENT IN A JUSTICE OF THE SUPREME COURT. I ALSO BELIEVE THAT THIS PROCESS HAS MADE HIM AN EVEN BETTER

NOMINEE FOR THE SUPREME COURT THAN HE WAS BEFORE THIS PROCESS. I KNOW THAT HE WOULD PROBABLY NOT AGREE WITH ME. BUT LET ME EXPLAIN. THIS DIFFICULT PROCESS WILL INSURE THAT HE WILL UNDERSTAND MORE THAN EVER BEFORE THE STRUGGLES THAT RESULT IN THE CASES THAT COME BEFORE THE SUPREME COURT. HE WILL BE PREPARED MORE THAN EVER BEFORE TO BE SENSITIVE TO THE TYPES OF CONFLICT THAT BRING CASES BEFORE THE SUPREME COURT. HE WILL ASK TOUGH QUESTIONS FROM THE POINT OF VIEW OF EACH SIDE OF EVERY ISSUE. HE WILL NOT AUTOMATICALLY ACCEPT THE WORD OF ANY PARTY BEFORE THE SUPREME COURT. THAT I BELIEVE.

I HAVE KNOWN CLARENCE THOMAS VERY WELL FOR MORE THAN TEN YEARS. HE IS MY FRIEND. THAT DOES NOT MEAN THAT WE HAVE NOT DISAGREED. THAT DOES NOT MEAN THAT WE HAVE NOT ARGUED - WE HAVE. THROUGH THE YEARS HE HAS CHANGED HIS VIEWS SOME AND I HAVE CHANGED MY VIEWS SOME. BUT I HAVE NOT CHANGED MY VIEWS ABOUT THE BASIC DECENCY AND INTEGRITY OF THIS MAN. ~~He has never been involved in any of the cases that have come before the Supreme Court. He has never been involved in any of the cases that have come before the Supreme Court.~~ IN THE MID EIGHTIES, I PREPARED A COMPREHENSIVE REPORT ON THE UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES WHICH REQUIRED THAT I SPEND SOME OF MY TIME IN THE EEOC WITH SOME OF THE LAWYERS AND OTHER STAFF PERSONS. NOT ONCE DID I HEAR A HINT OF IMPROPER CONDUCT ON THE PART OF CLARENCE THOMAS. I WOULD HEAR FROM TIME TO TIME, THAT THERE WAS DISAGREEMENT WITH HIS VOTES ON SOME OF THE ISSUES BEFORE THE COMMISSION. BUT THAT WAS TO BE EXPECTED.

FINALLY MR. CHAIRMAN, I AM OPTIMISTIC THAT POSITIVE CHANGE WILL TAKE PLACE AS A RESULT OF THIS PROCEEDING BECAUSE SEXISM AND RACISM HAVE BEEN ~~ADDRESSED~~ <sup>DISCUSSED</sup> IN A VERY CLEAR MANNER IN THE GIVE AND TAKE BETWEEN YOU ~~AND THE OTHER~~ <sup>THE</sup> MEMBERS OF THE COMMITTEE AND THOSE WHO HAVE TESTIFIED BEFORE YOU. I BELIEVE THAT, ~~MORE~~ <sup>NOT</sup> AMERICANS NOW MORE THAN EVER BEFORE ~~WILL~~ UNDERSTAND THAT THE ISSUE OF SEXUAL HARASSMENT IN THE WORKPLACE MUST BE ADDRESSED. I BELIEVE THAT MORE AMERICANS THAN EVER BEFORE WILL UNDERSTAND THAT THE ISSUE OF RACISM AND STEREOTYPING OF ONE ANOTHER MUST BE STOPPED. AND I BELIEVE THAT MORE AMERICANS WILL IN THE END APPRECIATE THAT THIS AMAZING GOVERNMENTAL PROCESS DOES WORK - PAINFUL THOUGH IT MAY BE.